

AMENDED



**SCOTTSDALE HUMAN RELATIONS COMMISSION
PINNACLE TRAINING ROOM
7575 EAST MAIN STREET
SCOTTSDALE, ARIZONA 85251
MONDAY, DECEMBER 8, 2003**

MINUTES

COMMISSIONERS PRESENT: John Tutelman, Chair
Carol Padwe, Commissioner
Enid Seiden, Commissioner
Aubrey Strickstein, Commissioner
Ted Tyler, Commissioner

ABSENT: Ken Culver, Vice Chair

STAFF PRESENT: Velicia McMillan, Staff Liaison

OTHERS PRESENT FOR ALL OR PORTIONS OF THE MEETING:

Don Logan
Helen Gandara-Zavala
Mario Zavala
Alan Rodbell
Dr. Jose' Burruel
Frances Young
J. Marty Gendron
Davida Schiffman Smith

CALL TO ORDER

Chair Tutelman called the meeting to order at 5:10 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

WORKFORCE DIVERSITY IN SCOTTSDALE

Chair Tutelman stated in April 2000, Helen Gandara-Zavala, Scottsdale Police Department's highest-ranking civilian employee, was the victim of criminal damage. An unknown suspect defaced her car by scratching a swastika in the surface, inscribing other scratches, and pouring an unidentified "dark sticky substance" on it. Now she is the subject of a confidentiality breach that has resulted in an internal affairs investigation by the Police Department. He further stated they have invited Police Chief Alan Rodbell to update the Commission on this issue.

Police Chief Alan Rodbell provided history on this issue. He reported that in January of this year he was appointed as Acting Chief of Police. He further reported that a 13-page type written document was hand-delivered to him from a disgruntled retired employee. He noted that when this employee was preparing to retire some high ranking officials realized that he had some emotional stress and shared in confidence some of their personal stories to support this person during his crisis. He further noted the things that were shared with this individual were of a personal nature and none of his business. He remarked there were three things in the document that did concern him. The first was an allegation made that a person hired might have lied on the polygraph test.

He commented with regard to lying on a polygraph that did not fit with his understanding of how a polygraph works. He further commented that it was something he was concerned with and looked into. He reported this matter was looked into and they collected information that ensured the polygraph operation was true and accurate and no one had lied so they laid this matter to rest.

He stated the second issue was an allegation that a high-ranking official in the Police Department husband was involved or linked to a drug dealer and that someone within the organization had compromised the investigation. He reported this allegation was thoroughly investigated and it was determined that that there was no link and the case was closed. He further reported that after the investigation was closed Ms. Gandara-Zavala was informed of the investigation.

He remarked the third allegation had to do with the crime laboratory. He further remarked that they have one of the top crime laboratories in the country and they have great professionals in the lab. He reported there was an incident where Ms. Gandara-Zavala and her husband were coming back from dinner and were involved in an accident that was not Mr. Zavala's fault. He further reported both the women who caused the accident and Mr. Zavala had their blood tested and the results indicated Mr. Zavala was not under the influence of alcohol. The allegation was that the crime lab switched the labels on the blood samples.

He commented that he did not know much about blood samples but he did know they used gummy labels and then the samples are put in an ice box so there would be no way to switch the labels so this issue was laid to rest.

He stated that this issue was brought back to his attention several months ago when a council member asked if these issues were resolved to his satisfaction and he assured the council member that they were. He further stated that he did recheck some of the facts and laid these issues to rest for a second time.

He reported then these issues came out in the newspaper and unbeknownst to them the newspaper included a photocopy of the document that came from Ms. Gandara-Zavala's file that was a protected document and strictly confidential. He further reported that they were very upset about how a protected document was removed from a confidential file and given to a member of the press. He stated they are in the process of conducting an investigation into this matter. He further stated that they have been accused of conducting a witch-hunt to try and identify the whistle blowers. When in fact it is not a witch-hunt, they are just looking for the individual or individuals that took a document from a personnel file and released it to the public. He commented they would bring back the conclusions of the investigation in the near future.

Ms. Young stated that she was concerned that this issue would not have gone this far if it were not for the fact that this young lady is a minority woman, very intelligent, and knows what she is doing. She further stated this boils down to that someone did not want a minority woman as his or her boss and this is an issue of racism. Chief Rodbell stated that he did not know how to react to that comment because he does not know who the person is. He further stated that there are variables as well such as that Ms. Gandara-Zavala is a high level non-sworn civilian employee in the Police Department.

Ms. Young inquired why Chief Rodbell did not tell the press where to go. Chief Rodbell stated he was disappointed with the press and had asked them not go forward with the article and at that time had no idea that someone had given them that document.

Dr. Burrue expressed his concern regarding picking on minorities because if it starts here where does it end. Chief Rodbell stated they hope by identifying the people responsible that they are sending a clear message that this kind of behavior will not be tolerated. He further stated that they are doing everything necessary to get to the bottom of this matter.

Commissioner Tyler stated that this incident started in January of this year when the 13-page document was delivered. He inquired about the normal timeline to investigate this type of incident. Chief Rodbell stated that there had been rumors for quite some time in terms of the three allegations he mentioned earlier but they did not get anything in writing until January and at that time he resolved those issues to his satisfaction on two occasions. He further stated that currently they are investigating how that document ended up in the newspaper a few months ago.

Commissioner Padwe stated regarding the defaced car incident that was not determined to be a hate crime. Chair Tutelman stated they were not discussing that issue at this time. Chief Rodbell stated regarding that issue he did not want to revisit the past because that occurred a few years ago.

Commissioner Strickstein inquired about the procedure for storing personnel files. Chief Rodbell stated that they have learned a lot about their procedures recently. He further stated they are kept in a locked office but lots of people have access. He reported that whether this document was taken recently or in the past, clearly they need to tighten the filing system.

Ms. Young inquired if when Ms. Gandara-Zavala was hired she would assume that someone in a FBI type position would have gone to El Paso to look into her background. Chief Rodbell stated that someone from this organization would have gone to the site and talked to everyone. Ms. Young stated she did not understand how that confidential file got out. Chief Rodbell stated that there is limited access to those confidential files so they have a limited number of suspects.

Dr. Burruel stated this just shows that Chief Rodbell has a tough job. He further stated that he likes the direction the Police Department is taking since Chief Rodbell joined the Police Department. He reported that he and Francis Young would be monitoring how this investigation is handled.

Ms. Young stated they need closure on this matter as soon as possible. Chief Rodbell assured them they are committed to bringing this to conclusion as quickly as possible. He noted that he does appreciate the support from the community and the Commission. He further noted he would need community support because the hits they are taking from the press that they are performing a witch-hunt to dig up the whistle blower. He reported this is not a witch hunt because someone for their own purposes took confidential records for the purpose of embarrassing and to bring down someone's family. They are looking for the person or persons that violated the rules. He reported that until they deal with the past they couldn't move the organization forward.

Commissioner Tyler inquired if Chief Rodbell felt a single individual as opposed to a conspiracy committed this incident. Chief Rodbell stated that he did not know if it was a conspiracy, but he did not think that it was only one person involved.

Commissioner Strickstein inquired about the hiring protocol for senior management. He also inquired if there was any animosity regarding the process. Chief Rodbell stated that he did not know how to answer that noting that they have gone outside for the last three deputy chief positions including him and did not know if there was anger because of that. He reviewed the hiring practices noting that the same standards are used for the sworn officers and the non-sworn officers. With regard to animosity they went through the same things, everyone else went through. Commissioner Strickstein stated that might

give them insight that possibly the disgruntled employees might be the ones who were passed over.

Dr. Burruel stated that while he was not glad that this happened, he is glad that it happened under Chief Rodbell's watch because he felt certain he would resolve this matter.

Ms. Young stated that they do not want to lose Ms. Gandara-Zavala.

Chair Tutelman stated that he would confirm what Chief Rodbell said that it would be impossible to switch the labels on the DUI blood samples. He further stated that he knows that defense attorneys will grasp at any straw available to serve their client.

Chair Tutelman stated that he would like to commend Chief Rodbell on the changes that have occurred in the Police Department. They have seen positive changes and hope they continue.

Chair Tutelman stated that he personally resents when a person is doing their job and is slandered for things that a family member may or may not have done because it has nothing to do with their job. He further stated that he felt Ms. Gandara-Zavala is doing an excellent job for the City of Scottsdale Police Department and he would like to make the following motion:

The Scottsdale Human Relations Commission abhors and condemns the reprehensible, and possibly criminal, behavior by the person who disclosed confidential employment records and express our support for Chief Rodbell's internal investigation in this matter and for Helen Gandara-Zavala and the excellent job she is doing for the Scottsdale Police Department and the City of Scottsdale.

Second by Commissioner Seiden and passed unanimously.

COMBATING HATE

Chair Tutelman reported in March 2002, the SHRC presented the public forum, "Combating Hate Crimes" and one of the things they discussed is the incidents of hate crimes in the Valley and what kind of action they could take. They discussed producing a PSA. He further stated that he has talked to Dr. McMillan about the possibility of rather than waiting for the regional group to edit and come up with a new PSA that perhaps they could produce the PSA with some minor changes. He reported the City of Scottsdale has offered to produce the PSA. He provided an update on hate crimes in the area.

The consensus of the Commission was that they should move ahead with the PSA rather than to wait on the regional group.

Commissioner Strickstein offered to look over the PSA along with someone on his staff.

Commissioner Seiden inquired if the PSA would only be aired on the Scottsdale City Cable Channel. Chair Tutelman stated they would provide the videotape to all of the TV stations but there is no guarantee they would play it.

Dr. McMillan introduced Marty Gendron stating that he just came from the City Council meeting where he was just appointed to the Commission.

Mr. Gendron stated he wanted to come and observe the Commission. Chair Tutelman welcomed him noting they look forward to him joining them at the next meeting.

LEVERAGING CORPORATE DIVERSITY WINNERS WITH THE COMMUNITY

Commissioner Strickstein stated at the last meeting one of the ideas they talked about was benchmarking by tapping into corporate diversity winners in the Valley to understand what they do in the area of diversity and soliciting their involvement in Scottsdale community to share what they do creating a stronger partnership with the Commission.

Commissioner Tyler stated that the Dial Corporation has an outstanding diversity program.

Commissioner Strickstein stated they might want to consider contacting some of these companies and have a Diversity Summit where these companies can share some of the things they have done.

Commissioner Seiden inquired who would be the target audience. Commissioner Strickstein replied he had not thought that far ahead.

Commissioner Tyler reported that there was a Diversity Summit this year at the Mayo Clinic. Dr. McMillan stated it as the Arizona Leadership Summit and one of the sponsors was the Mayo Clinic, CCD, and other companies and organizations. There were several other businesses talking about various aspects of diversity. She further stated that kind of effort is being done but that does not mean there is not room for additional partners at the table.

Commissioner Seiden suggested they consider the possibility of including Scottsdale Unified School especially at the High School level. Commissioner Tyler stated that the school district is considering creating a diversity program.

Chair Tutelman suggested they form a subcommittee to explore partnerships and leverage the corporate resources available. Commissioner Strickstein stated he would serve on the subcommittee.

Commissioner Padwe moved to form a subcommittee to leverage corporate diversity. Second by Commissioner Seiden and passed unanimously.

MLK REGIONAL EVENT

Commissioner Padwe presented a status report on the Regional MLK Event proposed for Saturday, January 31, 2004 from 10:00 am – 6:00 p.m. at Tempe Town Lake.

Commissioner Padwe commented that due to the conflict with the Parada del Sol Parade the press was not kind.

Commissioner Padwe stated they are asking for corporate sponsorship for the T-shirts and the excess funds would be used for scholarships for students.

Commissioner Padwe stated the Governor is going to lead the Parade and then they are going to whisk her away to the walk site. She further stated they are working on the keynote speaker. She remarked that they want all of the commissioners' to participate in the walk.

Dr. McMillan reported that this is the first time the Valley Human Relations Commissions have come together to plan a regional event.

Commissioner Tyler presented a status report on the City's MLK Event. He reported that they had booked Judge Greg Mathis as the keynote speaker and he called a week and a half ago to advise them because of special circumstances involving his son he would not be able to attend. He further reported they have found an outstanding alternate Judge Glenda Hatchett and she has signed a contract to be the new keynote speaker. He noted that she specializes in juvenile programs.

Commissioner Tyler remarked that they need to ensure that they don't go to the same corporate sponsors for each of these events. Commissioner Padwe stated that she would ensure that would not happen.

Commissioner Tyler stated the fund raising is going well. He discussed the four sponsorship levels. He reported they have an extensive advertising program.

Commissioner Strickstein inquired if they have tried to focus on the small businesses in Scottsdale by lowering the dollar amounts. Commissioner Tyler stated that they have never targeted that audience but not to say they should not be targeted.

CHAIR REPORTS

Chair Tutelman stated at solemn events they observe a moment of silence but he would suggest they observe a moment of joy for the 50th anniversary of the filing by Thurgood Marshal who won Brown vs. the Board of Education.

Chair Tutelman announced that the City of Scottsdale Diversity Advisory Committee won the Bill Donaldson Excellence Award. He stated that he would like to extend his congratulations to them.

Dr. McMillan stated that the SHRC helped the Diversity Committee win this award so it is truly comprehensive and not one person or one department.

Chair Tutelman stated the Holiday Harmony event was a success. He further stated that previously this event was held at the Civic Center Mall but was moved to Old Town Scottsdale and the streets were shut off. He further stated that over 5,000 people attended this event.

Dr. McMillan stated this was the first year that the Parks and Recreation Department set up children's activities so all of the holidays represented had an activity.

Dr. McMillan stated that it was mentioned by this group that they need to celebrate Christmas as well as the other cultures because they have been getting backlash from others that felt we are teaching people to be tolerant of others at the expense of our culture.

COMMISSIONER ITEMS

Commissioner Tyler stated he felt it would be helpful to make sure that this group receives information of the dates, time, and place of the Diversity Advisory Committee meetings.

Chairman Tutelman passed out the FY 03-04 Diversity & Dialogue Calendar of Events noting that it includes all of the DAC meetings.

Commissioner Strickstein stated it would be wonderful if they could integrate with other City events to help get their message out whether it is by having a booth to pass out information.

Commissioner Strickstein stated it would be nice if the City of Scottsdale could have an event similar to the Phoenix Parade of Lights.

Commissioner Padwe stated that she applied for a grant from the Morgan Stanley Foundation. She further stated one of the things they are considering doing with the funds is producing a brochure.

Chairman Tutelman passed out the Human Relations Commission meeting calendar for 2004.

Commissioner Tyler stated that periodically he has recommended that the Commission meet outside of these offices. He further stated that he would encourage the Commission to meet out in the community, which he felt would help them gain greater recognition.

The Commission suggested the following meeting locations:

Mohave Middle School
Grayhawk
Via Linda Seniors Center
Scottsdale Community College Airpark campus
Civic Center Library
Mustang Library

The Commission suggested they meet out in the community for the March, May, July, and October meetings, but it was later determined that staff should be allowed to have flexibility.

Commissioner Tyler moved to approve the Human Relations Commission meeting calendar with four of those meetings to be held at a location among the six above specified locations. Second by Commissioner Strickstein and passed unanimously.

OPEN CALL TO THE PUBLIC

J. Marty Gendron stated that he was happy to be here. He commented that with regard to the MLK celebration the high schools have multi-cultural clubs and they would probably be interested in participating. Commissioner Tyler replied they are working with the service learning people at high schools.

Davida Schiffman Smith stated she would like to thank the Diversity Dialogue program and the City of Scottsdale Parks and Recreation Department for allowing her to volunteer with the Holiday Harmony event.

Ms. Smith shared a spiritual quote from the bible on love and tolerance.

Ms. Smith reported that Wells Fargo Bank now has a division for small business loans for women.

STAFF LIAISON ITEMS

Dr. McMillan stated that she hopes to see everyone at the MLK events. She further stated that a Cross-Communications Series presentation will be held on December 16th.

Commissioner Padwe stated she attended the Black Chamber dinner.

ADJOURNMENT

There being no further business to come before the Commission, being duly moved and seconded, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

“For the Record” Court Reporters.